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PROCEEDINGS

OF THE

American Society of International Law

AT ITS

FOURTH ANNUAL MEETING

HELD AT

WASHINGTON. D. C.

APRIL 28-30, 1910

BAKER, VOORHIS & CO., PUBLISHERS,
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THE AMERICAN SOCIETY OF INTERNATIONAL LAW.



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CONSTITUTION
OF THE
AMERICAN SOCIETY OF INTERNATIONAL LAW¹

ARTICLE I.

Name.

This Society shall be known as the AMERICAN SOCIETY OF INTERNATIONAL LAW.

ARTICLE II.

Object.

The object of this Society is to foster the study of International Law and promote the establishment of international relations on the basis of law and justice. For this purpose it will cooperate with other societies in this and other countries having the same object.

ARTICLE III.

Membership.

Members may be elected on the nomination of two members in regular standing by vote of the Executive Council under such rules and regulations as the Council may prescribe.

Each member shall pay annual dues of five dollars and shall thereupon become entitled to all the privileges of the Society, including

¹ NOTE. — The history of the origin and organization of the American Society of International Law can be found in the Proceedings of the First Annual Meeting, at page 23.

The Constitution was adopted January 12, 1906.

a copy of the publications issued during the year. Upon failure to pay the dues for the period of one year a member may, in the discretion of the Executive Council, be suspended or dropped from the rolls of membership.

Upon payment of one hundred dollars any person otherwise entitled to membership may become a life-member and shall thereupon become entitled to all the privileges of membership during his life.

A limited number of persons not citizens of the United States and not exceeding one in any year, who shall have rendered distinguished service to the cause which this Society is formed to promote, may be elected to honorary membership at any meeting of the Society on the recommendation of the Executive Council. Honorary members shall have all the privileges of membership, but shall be exempt from the payment of dues.

ARTICLE IV.

Officers.

The officers of the Society shall consist of a President,² nine or more Vice-Presidents, the number to be fixed from time to time by the Executive Council, a Recording Secretary, a Corresponding Secretary and a Treasurer, who shall be elected annually, and of an Executive Council composed of the President, the Vice-Presidents, *ex-officio*, and twenty-four elected members, whose term of office shall be three years, except that of those elected at the first election, eight shall serve for the period of one year only and eight for the period of two years, and that any one elected to fill a vacancy shall serve only for the unexpired term of the member in whose place he is chosen.

The Recording Secretary, the Corresponding Secretary and the Treasurer shall be elected by the Executive Council from among its members. The other officers of the Society shall be elected by the Society, except as hereinafter provided for the filling of vacancies occurring between elections.

At every annual election candidates for all the offices to be filled by the Society at such election shall be placed in nomination by a

² See *Amendments*, article 1, p. 9.

Nominating Committee of five members of the Society previously appointed by the Executive Council, except that the officers of the first year shall be nominated by a committee of three appointed by the Chairman of the meeting at which this Constitution shall be adopted.

All officers shall be elected by a majority vote of members present and voting.

All officers of the Society shall serve until their successors are chosen.

ARTICLE V.

Duties of Officers.

1. The President shall preside at all meetings of the Society and of the Executive Council and shall perform such other duties as the Council may assign to him. In the absence of the President at any meeting of the Society his duties shall devolve upon one of the Vice-Presidents to be designated by the Executive Council.

2. The Secretaries shall keep the records and conduct the correspondence of the Society and of the Executive Council and shall perform such other duties as the Council may assign to them.

3. The Treasurer shall receive and have the custody of the funds of the Society and shall disburse the same subject to the rules and under the direction of the Executive Council. The fiscal year shall begin on the first day of January. -

4. The Executive Council shall have charge of the general interests of the Society, shall call regular and special meetings of the Society and arrange the programmes therefor, shall appropriate money, shall appoint from among its members an Executive Committee and other committees and their chairmen, with appropriate powers, and shall have full power to issue or arrange for the issue of a periodical or other publications, and in general possess the governing power in the Society, except as otherwise specifically provided in this Constitution. The Executive Council shall have the power to fill vacancies in its membership occasioned by death, resignation, failure to elect, or other cause, such appointees to hold office until the next annual election.

Nine members shall constitute a quorum of the Executive Council, and a majority vote of those in attendance shall control its decisions.

5. The Executive Committee shall have full power to act for the Executive Council when the Executive Council is not in session.

6. The Executive Council shall elect a Chairman who shall preside at its meetings in the absence of the President, and who shall also be Chairman of the Executive Committee.

ARTICLE VI.

Meetings.

The Society shall meet annually at a time and place to be determined by the Executive Council for the election of officers and the transaction of such other business as the Council may determine.

Special meetings may be held at any time and place on the call of the Executive Council or at the written request of thirty members on the call of the Secretary. At least ten days' notice of such special meeting shall be given to each member of the Society by mail, specifying the object of the meeting, and no other business shall be considered at such meeting.

Twenty-five members shall constitute a quorum at all regular and special meetings of the Society and a majority vote of those present and voting shall control its decisions.

ARTICLE VII.

Resolutions.

All resolutions which shall be offered at any meeting of the Society shall, in the discretion of the presiding officer, or on the demand of three members, be referred to the appropriate committee or the Council, and no vote shall be taken until a report shall have been made thereon.

ARTICLE VIII.

Amendments.

This Constitution may be amended at any annual or special meeting of the Society by a majority vote of the members present and voting. But all amendments to be proposed at any meeting shall first be referred to the Executive Council for consideration and shall be submitted to the members of the Society at least ten days before such meeting.

*Amendments.*ARTICLE I.³

Article VI is hereby amended by inserting after the words "The officers of the Society shall consist of a President," the words "an Honorary President."

³ This amendment was adopted at the business meeting, held April 24, 1909

OFFICERS
OF THE
AMERICAN SOCIETY OF INTERNATIONAL LAW
FOR THE YEAR 1910-11

HONORARY PRESIDENT

HON. WILLIAM H. TAFT

PRESIDENT

HON. ELIHU ROOT

VICE-PRESIDENTS

CHIEF JUSTICE FULLER¹
JUSTICE WILLIAM R. DAY
HON. P. C. KNOX
HON. ANDREW CARNEGIE
HON. JOSEPH H. CHOATE
HON. JOHN W. FOSTER
HON. GEORGE GRAY

HON. JOHN W. GRIGGS
HON. WILLIAM W. MORROW
HON. RICHARD OLNEY
HON. HORACE PORTER
HON. OSCAR S. STRAUS
HON. SHELBY M. CULLOM
HON. JACOB M. DICKINSON

EXECUTIVE COUNCIL

TO SERVE UNTIL 1911

Hon. Richard Bartholdt, Missouri
Gen. George B. Davis, District of
Columbia
Prof. Charles Noble Gregory, Iowa
Hon. A. J. Montague, Virginia

Rear-Admiral Charles H. Stockton, Dis-
trict of Columbia
Charles B. Warren, Esq., Michigan
Hon. John Sharp Williams, Mississippi
Prof. Theodore S. Woolsey, Connecticut

TO SERVE UNTIL 1912

Chandler P. Anderson, Esq., New York
Charles Henry Butler, Esq., District
of Columbia
Prof. George W. Kirchwey, New York
Robert Lansing, Esq., New York
Prof. John Bassett Moore, New York

Jackson H. Ralston, Esq., District of
Columbia
Prof. James Brown Scott, District of
Columbia
Prof. George G. Wilson, Rhode Island

TO SERVE UNTIL 1913

Hon. James B. Angell, Michigan
Hon. Augustus O. Bacon, Georgia
Hon. Frank C. Partridge, Vermont
Prof. Leo S. Rowe, Pennsylvania
F. R. Coudert, Esq., New York

Everett P. Wheeler, Esq., New York
Hon. Edwin Denby, Michigan
Alpheus H. Snow, Esq., District of
Columbia

¹ Deceased.

EXECUTIVE COMMITTEE

HON. ELIHU ROOT	ROBERT LANSING, ESQ.
HON. GEORGE GRAY	PROF. JOHN BASSETT MOORE
PROF. GEORGE W. KIRCHWEY	PROF. GEORGE G. WILSON
HON. OSCAR S. STRAUS	

EX-OFFICIO

HON. JOHN W. FOSTER, CHAIRMAN
 JAMES BROWN SCOTT, RECORDING SECRETARY
 CHARLES HENRY BUTLER, CORRESPONDING SECRETARY
 CHANDLER P. ANDERSON, TREASURER

EDITORIAL BOARD

OF THE

AMERICAN JOURNAL OF INTERNATIONAL LAW

JAMES BROWN SCOTT, EDITOR-IN-CHIEF

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Charles Noble Gregory	John Bassett Moore
Amos S. Hershey	George G. Wilson
Charles Cheney Hyde	Theodore S. Woolsey
George W. Kirchwey	

GEORGE A. FINCH, BUSINESS MANAGER

COMMITTEES

Standing Committee for selection of Honorary Members: George G. Wilson, *Chairman*, Jackson H. Ralston, Theodore S. Woolsey.

Standing Committee on Increase of Membership: James Brown Scott, *Chairman*, Charles Cheney Hyde, John H. Latané, Jesse S. Reeves, Theodore S. Woolsey.

Auditing Committee: Everett P. Wheeler, William Dulles.

*Committee on Codification:*¹ Elihu Root, *Chairman*, *ex officio*, Chandler P. Anderson, Charles Henry Butler, Charles Noble Gregory, Robert Lansing, Paul S. Reinsch, Leo S. Rowe, James Brown Scott, George G. Wilson.

Committee on Publication of the Proceedings of the Fourth Annual Meeting: George A. Finch, Henry G. Crocker.

Committee on Fifth Annual Meeting: James Brown Scott, *Chairman*, Charles Noble Gregory, Amos S. Hershey, Thomas Raeburn White, W. W. Willoughby.

¹ At a meeting of the Committee on Codification, held November 15, 1909, the following sub-committees were appointed:

Sub-committee Upon Scope and Plan of the Report: Robert Lansing, *Chairman*, Chandler P. Anderson, Charles Henry Butler, Leo S. Rowe.

Sub-committee Upon the History and Status of Codification: James Brown Scott, *Chairman*, Charles Noble Gregory, Paul S. Reinsch, George G. Wilson.

FOURTH ANNUAL MEETING
OF THE
AMERICAN SOCIETY OF INTERNATIONAL LAW

PROGRAM

THURSDAY, APRIL 28, 1910

At eight o'clock p. m.

PRESIDENT'S ADDRESS: The Basis of Protection to Citizens Residing Abroad.

Topic: The Codification of International Law.

Speakers: HON. CHARLES NAGEL, PROF. PAUL S. REINSCH.

FRIDAY, APRIL 29, 1910

At ten o'clock

Reception to the members of the Society by the President of the United States.

At eleven o'clock

Business meetings of the Executive Committee and Editorial Board.

At one thirty o'clock

General Subject: The Basis of Protection to Citizens Residing Abroad, divided into the following topics:

1. The question of the limitation of protection by contract between the citizen and a foreign government or by municipal legislation.

Speakers: PROF. G. W. SCOTT, EDWIN M. BORCHARDT, ESQ.

2. The citizenship of individuals, or of artificial persons (such as corporations, partnerships, etc.) for whom protection is invoked.

Speaker: PROF. RALEIGH C. MINOR.

At eight o'clock

3. The question of domicile in its relation to protection.

Speakers: PROF. S. M. MACVANE, PROF. JOHN H. LATANÉ.

4. The effect of the unfriendly act or inequitable conduct of the citizen upon the right to protection.

Speakers: PROF. THEODORE S. WOOLSEY, ARTHUR K. KUHN, ESQ.

SATURDAY, APRIL 30, 1910

At ten o'clock.

5. The place of denial of justice in the matter of protection.

Speakers: PROF. EUGENE WAMBAUGH, WALTER S. PENFIELD, ESQ.

6. Intervention for breach of contract or tort where the contract is broken by the state or the tort committed by the government or governmental agency.

Speakers: R. FLOYD CLARKE, ESQ., C. L. BOUVÉ, ESQ.

At two o'clock

Preliminary report of Committee on Codification on the history of codification and on the scope and plan of codification under the resolution adopted at the Third Annual Meeting.

At seven o'clock

ANNUAL BANQUET AT THE NEW WILLARD HOTEL.